

### REMARKS

Claims 83-108 are pending herein. By this Amendment, Claims 29-82 are cancelled without prejudice or disclaimer and new claims 83-108 have been added. Support for the new claims is found, for example, in cancelled claims 29-82, original claims 1-28, in the specification at, *inter alia*, pages 9-18, and Figures 1-27. The specification has been amended at page 9, before the first line, to include a Brief Description of the Drawings as requested by the Examiner. The amendment to the specification is supported, for example, by the detailed description of the drawings at page 9 line 8 to page 18 second to the last paragraph, as well as by the Figures themselves.

Applicant gratefully acknowledges the Examiner's indication of allowable subject matter in claims 54-73. Although these claims have been cancelled by this amendment, features of these claims have been included in the new claims.

#### I. REQUEST FOR CITATION OF REFERENCES

Applicants respectfully request that the Examiner cite the foreign references which were crossed off the form PTO-1449 submitted with the January 23, 2006 Information Disclosure Statement. As stated therein, each reference was cited in the International Search Report and a copy of each reference should have been supplied by the International Bureau. Upon request by the Examiner, applicant will supply copies of the references if they are not available to the Examiner.

#### II. OBJECTION TO THE SPECIFICATION

The Examiner has objected to the specification because there is no brief description of the drawings section. As requested, the specification has been amended to include, at page 9, before the first line, a Brief Description of the Drawings.

Reconsideration and withdrawal of the objection to the specification is respectfully requested.

III. REJECTION UNDER 35 U.S.C. 112, Second Paragraph

Claim 69 stands rejected under 35 U.S.C. 112, 2<sup>nd</sup> paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because the phrase "such as" is vague and indefinite. Claim 69 has been cancelled and replaced by new claim 101 which does not contain the phrase "such as roadways" and accordingly, withdrawal of the rejection is respectfully requested.

IV. REJECTIONS UNDER 35 U.S.C. 102(b) and 103(a)

Claims 29-50, 74-76, and 79-82 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,935,639 to Yeh. Claims 29-31, and 74-75 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,452,046 to Valentin. Claims 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,016,015 to Willard, Jr. Claims 29-33, 74-75, and 79-82 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,394,016 to Hickey. Claims 51-53, and 77-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeh (U.S. Patent No. 4,935,639) in view of Hickey (U.S. Patent No. 5,394,016). These rejections are respectfully traversed:

None of the references, taken alone or in combination, even if properly combinable, teach or suggest applicant's claimed invention. The present invention comprises in combination an energy generating power plant for integration with a high rise building and which is capable of energizing at least one power generating device using atmospheric wind energy from a first location and capturing the energy for transfer to another location to augment energy requirements of the building. The plant includes a

stack integrated with the building with at least one inlet leading to at least one through passage in the stack which each receive air drawn from an air source exterior of the building.

U.S. patent no. 4,935,639 to Yeh discloses a revolving power tower comprising a fixed tower and a revolving tower, to make use of wind power as a main power source, and the heat energy of the sun as supplementary power source. Wind is induced from all directions but more particularly there is not teaching or suggestion of integration of the tower into a building as in the applicant's claimed invention.

U.S. patent no. 4,452,046 to Valentin discloses a system for obtaining energy by means of fluid flows resembling those of a natural cyclone or anti-cyclone in a cyclonic conversion tower constituted by a group of convectors all situated round an axis toward which there are directed vortical membranes or screens contained in trumpet-shaped revolution bodies. This is a completely different regime from that claimed in the applicant's amended claims. The convection tower in the cited reference is optionally situated on a base which permits the passage of solar radiation with the aim of utilizing its energy. This apparatus is not integrated in a high rise building and does not have the combination of features in the applicant's claimed invention.

U.S. patent no. 6,016,015 to Willard, Jr. discloses a solar-wind turbine including a base with a hollow vertically oriented orientation. A plurality of vertically oriented stanchions are each connected to a bottom surface of the base and depend downwardly therefrom for elevating an open bottom of the base above the ground to allow air to flow therein. A turbine assembly including a propeller is situated above the base and is rotatable with respect thereto. A generator assembly includes a stator fixedly coupled with respect to the base and a rotor fixed with respect to the propeller. During use, an air current is generated through the base thereby effecting the rotation of the propeller and the rotor with respect to the stator to generate power.

Willard, Jr. does not disclose a stack as claimed, which is integrated in a high rise building and does not teach or suggest using energy from the moving air stream to energize an energy receiving device within the building for conversion or diversion of the energy.

U.S. patent no. 5,394,016 to Hickey discloses a solar and wind energy generating system for mounting to a building. The Hickey system has a plurality of wind generators having air engaging vanes which intercepts the flow of air currents to produce mechanical energy which is transformed into electrical energy by an electric generator. The system is mounted to a building, for removal and storage within the building, rather than integrated as part of the building structure or at least incorporated therein. Hickey describes a solar generator including a plurality of solar energy collectors and with wind generators forms a combined solar and wind energy generator with different characteristics from that of the applicant's invention.

Yeh discloses a revolving power tower comprising a fixed tower and a revolving tower, and it is not seen how the two towers would be mounted onto the building of Hickey. Even if it were obvious to combine the teachings of Yeh and Hickey, applicant's claimed invention would not be obtained or rendered obvious because the apparatus of Yeh would be mounted on and not integrated with the building of Hickey.

Reconsideration and withdrawal of the rejections is respectfully requested.

U.S. patent no. 6,772,593 to Dunn, and U.S. patent no. 6,532,740 to Sullivan, which were not relied upon, do not teach or suggest applicant's claimed invention taken alone or in combination with each other or with any of the cited references.

Dunn discloses a solar vortex electric power generator which utilizes hot, unstable air on a flat surface when drawn under the collector surface to rise in a central tower where it acts as a controlled tornado turning blades and a shaft to power a generator. This

does not disclose a power generation plant integrated within a high rise building as in the applicant's claims. The whole configuration of the arrangement in the cited art is completely different from that of the applicant's invention which is an integrated system to supplement power requirements of a high rise building.

Sullivan discloses a system for employing the Coriolis effect for the generation and/or storage of energy and comprises a vortex chamber for rotational acceleration therein of superheated, supersaturated water vapor and heated air and a water intake assembly and an adjustable air intake assembly each in fluid communication with the vortex chamber. The water intake assembly is adapted to deliver a directed flow of superheated water vapor to a lower portion of the vortex chamber while the air intake assembly is adapted to deliver a flow of heated air to the lower portion of said vortex chamber. Sullivan does not disclose a power generation plant integrated within a high rise building as in the applicant's claims. The vortex arrangement is quite different from the wind assisted vortex system of the applicant's invention especially as it is not integrated to augment power requirements of a high rise building.

## II. CONCLUSION

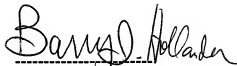
In light of the foregoing amendments and remarks, this application is in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application.

It is not believed that any additional claim fees are due with this amendment. A request for a three month extension of time together with payment for the extension fee are being filed concurrently herewith. Any additional fees should be charged to, or any

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AMENDMENT  
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overpayment in fees should be credited to, Deposit Account No. 19-0089 (P32971).

Respectfully submitted,  
Steven Kenessey

A handwritten signature in cursive script, reading "Barry I. Hollander". The signature is written in dark ink and is positioned above a horizontal dashed line.

Barry I. Hollander  
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